

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 94**

January 22, 2023

**SUMMARY OF BILL:** Creates a pilot program that authorizes a court to retain jurisdiction over a juvenile offender found delinquent following the offender's 18th birthday and until their 25th birthday if best suited for the child's treatment, rehabilitation, and welfare.

Authorizes the court to impose a sentence upon the child that could be imposed if the offense was committed by an adult. Prohibits the court from committing a juvenile offender participating in the pilot program to the Department of Children's Services (DCS) or placing the offender on probation under the supervision of DCS. Requires any portion of the disposition imposed that extends prior to the child's 25th birthday be stayed pending completion of requirements set forth by the court at the time of disposition.

Requires the pilot program be paid for by the local government in which the juvenile court is located.

Requires each county in which a juvenile offender is sentenced to participate in the pilot program to submit an annual report to the Chairs of the Senate Judiciary Committee and the Criminal Justice Committee of the House of Representatives detailing outlined information regarding the program.

**FISCAL IMPACT:**

**Other Fiscal Impact – Due to multiple unknown factors, the extent and timing of any mandatory increase in local expenditures or decrease in state incarceration expenditures cannot reasonably be determined.**

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-134(d), a juvenile court has jurisdiction over offenses alleged to have been committed prior to a person's 18th birthday.
- Pursuant to Tenn. Code Ann. § 37-1-102(b)(5), a person under 19 years of age is authorized to remain under the continuing jurisdiction of the juvenile court for limited purposes.
- The proposed legislation authorizes adult sentences to be imposed on juveniles and suspended until their 25th birthday pending the completion of the pilot program. Further, the proposed legislation authorizes a juvenile court to retain jurisdiction over a juvenile offender while participating in the pilot program.

- The proposed legislation may lead to a decrease in state incarceration expenditures associated with offenders participating in the pilot program.
- For any county in which a juvenile offender is sentenced to participate in a pilot program, there will be a mandatory recurring increase in local expenditures; however, the extent of any decrease in state expenditures or mandatory increase in local expenditures will be dependent upon the number of participants a court orders to participate in a pilot program and where the child is placed while participating in the pilot program.
- Due to multiple unknown factors, the extent and timing of any mandatory increase in local expenditures or decrease in state expenditures cannot reasonably be determined.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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